

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA and the STATE OF  
NEW YORK, *ex rel.* WILLIAM GURIN,

Plaintiffs,

v.

NEW YORK CITY HEALTH AND HOSPITALS  
CORPORATION D/B/A NYC HEALTH & HOSPITALS  
and THE NEW YORK COLLEGE OF PODIATRIC  
MEDICINE,

Defendants.

19 Civ. 10742 (PKC)

**ORDER**

The State of New York (the “State”) having now declined to intervene pursuant to the New York State False Claims Act, N.Y. State Fin. Law § 190 (2)(f), with respect to the claims raised in the complaint filed by the relator;

IT IS ORDERED THAT:

1. Subsequent to the unsealing of the complaint on September 9, 2020 pursuant to prior Order, and in the event that the relator has not moved to dismiss the action, service of the complaint upon the defendants by the relator is authorized sixty days from that date. If the relator voluntarily dismisses the complaint pursuant to N.Y. State Fin. Law §189 *et seq.* within this sixty-day period, the relator may seek to modify this Order with the consent of the State or by motion on notice to the State.

2. All documents filed in this action prior to the entry of this Order shall remain under seal and not be made public, except for relator’s complaint, this Order, and New York State’s Notice of Election to Decline Intervention (the “State’s Notice of Election”). The relator

will serve upon the defendants this Order and the State's Notice of Election only after service of the complaint.

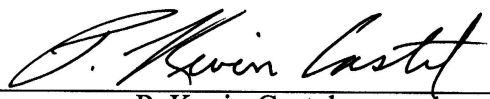
3. The parties shall serve all pleadings, motions, and notices of appeal filed in this matter, including supporting memoranda, upon the State. The State may order any transcripts of depositions. The State may seek to intervene with respect to the allegations in the relator's complaint, for good cause, at any time, or seek dismissal of this action.

4. All orders of this Court or documents filed with the Court in this matter shall be sent to the State by the relator on or about the date they are issued pursuant to N.Y. State Fin. Law §190 (2)(f).

5. Should the relator or the defendants propose that the complaint or any of its allegations be dismissed, settled, or otherwise discontinued, the party or parties proposing such relief must solicit the written consent of the State before applying for Court approval.

Dated: New York, New York  
September 11, 2020

SO ORDERED:

  
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P. Kevin Castel  
United States District Judge